

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, :
 :
 Plaintiff, : Case No. 3:15-CR-148
 vs. :
 :
 WILLIAM M. APOSTELOS, : Judge Thomas Rose
 :
 Defendant. :

MOTION TO MODIFY BOND

Now comes the Defendant, WILLIAM M. APOSTELOS, by and through undersigned counsel, and hereby respectfully moves this Honorable Court for an Order modifying the conditions of bond by placing him on an early evening curfew so that he can do the following:

- 1) Travel to the University of Dayton Law Library to conduct research in order to prepare his *pro se* defense to the parallel civil and bankruptcy cases, and to help prepare his defense to this criminal case;
- 2) Visit his aged mother on a more regular and frequent basis;
- 3) Work on his properties;
- 4) Seek employment;
- 5) Exercise per doctor's orders with more frequency as needed;
- 6) To attend any jury trials that are scheduled before this Court in order to gain a better understanding of the jury trial process prior to the commencement of Mr. Apostelos' jury trial.

Mr. Apostelos has been successfully supervised by the United States Pretrial Services Office since November 4, 2015 – more than six months – and the supervision has been without incident. Furthermore, Mr. Apostelos demonstrated his intention of staying in the Dayton area to fight these charges, as evidenced by the fact that he was well aware of the federal investigation for

over a year prior to his indictment. Indeed, Mr. Apostelos faced trial by media as far back as October of 2014.¹ If Mr. Apostelos had any intent of fleeing the area, he certainly had time to do so during the year between the government's seizure of his assets in 2014 and the return of the indictment in late 2015. Instead of fleeing, Mr. Apostelos demonstrated his intention of mounting a legal defense against the charges: he worked tirelessly with private counsel in preparation for answering the charges against him.

Finally, and most importantly, Mr. Apostelos has exhausted his resources and needs to earn income in order to pay for the basic necessities of life, not the least of which is the food necessary for his daily survival. Mr. Apostelos is capable of working as a day laborer but needs the ability to leave his home to find employment.

A Monday through Friday curfew of 5:00 p.m. would assist Mr. Apostelos in attending to the above mentioned matters while still assuring the Court that he was remaining in the Dayton area every day.

United States Pretrial Officer Kelvin Gover has no objection to this request.

Respectfully submitted,

DEBORAH L. WILLIAMS,
FEDERAL PUBLIC DEFENDER

s/F. Arthur Mullins

F. Arthur Mullins (0080483)
Assistant Federal Public Defender
Fifth Third Center, Suite 490
1 South Main Street
Dayton, Ohio 45402
(937) 225-7687
Art_Mullins@fd.org

CERTIFICATE OF SERVICE

¹ See, e.g. *Dayton Daily News* story posted Friday, Oct. 31, 2014, online at <http://www.daytondailynews.com/news/news/fbi-couple-bilked-area-investors-out-of-millions/nhxWQ/>

I hereby certify that a copy of the foregoing was served upon Brent Tabacchi, Assistant United States Attorney, by electronic filing, this 4th day of May, 2016.

s/F. Arthur Mullins

F. Arthur Mullins

Attorney for Defendant

William M. Apostelos